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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

SEP 28 1999

R. Sherman
CLERK

No. CIV-98-0061 JC/DJS

THOMAS CHARLES TOTH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

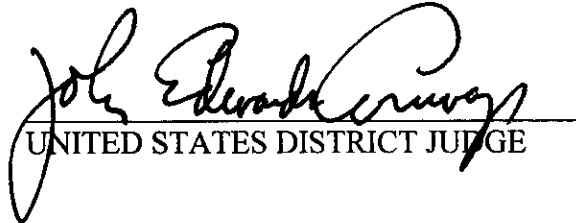
MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's "Motion To Open Case, And Bring Criminal Charges Against Unknown Federal Agencies" ("motion") (Doc. #3) filed May 4, 1998. The motion asks for reconsideration of an earlier order dismissing Plaintiff's complaint and for commencement of criminal proceedings against unspecified federal agencies. As grounds, Plaintiff attaches a photocopy of the first page of a motion he filed in another case. He contends this page demonstrates "that the Federal courts are now engaging in a cover-up conspiracy." Furthermore, Plaintiff alleges that he is "being persecuted by the Federal Government and can't obtain an income, or legal counsel."

The motion presents no grounds for the relief sought. First, "a district court may grant a Rule 60(b)(6) motion only in extraordinary circumstances and only when necessary to accomplish justice," *Cashner v. Freedom Stores, Inc.*, 98 F.3d 572, 579 (10th Cir. 1996), and "it is an abuse of discretion to grant relief where no basis for that relief exists." *Id.* at 580. Plaintiff's allegations do not indicate extraordinary circumstances or present any factual basis that he is being denied justice. Second,

Plaintiff may present his request for criminal proceedings to the F.B.I. or the United States Attorney for investigation; the Court does not initiate criminal proceedings. Plaintiff's motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's "Motion To Open Case, And Bring Criminal Charges Against Unknown Federal Agencies" (Doc. #3) filed May 4, 1998, is DENIED.


UNITED STATES DISTRICT JUDGE